

## **REMARKS**

The Office Action dated September 30, 2002, has been reviewed. The drawings have been amended to more correctly conform to the proper language and format of the drawings. Attached hereto is a redlined, corrected copy of FIGS. 4 and 11.

Claims 1-4, 11-14, 16-20, and 23-27 have been rejected. Claims 1 and 16 have been amended to more clearly indicate that a first portion of the rigid segments are arranged in a coplanar relationship to one another and a second portion of the rigid segments are arranged in a substantially parallel relationship to the first portion of rigid segments so that the sidewall defined in claim 1 and the sidewall and bottom panel defined in claim 16 are in a substantially flattened condition.

In view of the foregoing amended claims and the following arguments, it is respectfully submitted that the claims are in condition for allowance.

### **Claim Rejections - 35 U.S.C. § 102(b)**

Claims 1-4, 12, 14, 16-20, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,902,541 issued to Wardwell. Contrary to the Examiner's position, it is respectfully submitted that Wardwell does not teach or disclose a collapsible container containing each and every element recited in Applicant's amended independent claims 1 and 16, and thus each of the claims which depend therefrom.

Wardwell discloses a disposable self supporting bag, which includes a plurality of horizontally elongated flat flexible members pivotally secured together at a common center extending radially outward. Each end of the horizontal members is secured to a vertically

elongated flat flexible member. The vertical members can be collapsed together, as shown in FIG. 1, and as discussed in column 2, lines 4-6.

However, contrary to the Wardwell reference, Applicant's inventive concept recited in claim 1, contemplates the rigid segments cooperating to define a sidewall and form a collapsed position wherein a first portion of the rigid segments are arranged in a coplanar relationship to one another and a second portion of the rigid segments are arranged in a substantially parallel relationship to the first portion of rigid segments so that the sidewall is in a substantially flattened condition.

Wardwell does not teach, disclose, or even suggest the collapsed position of the bag being substantially flattened, as recited in Applicant's claim 1. As shown in FIGS. 3 and 4 of Wardwell, the horizontal members are radially oriented and used as a horizontal base of the bag. The vertical members of the bag are collapsed as shown in FIG. 1, however, the radially oriented horizontal members prevent the vertical members from being substantially flattened when collapsed. Even if one would make the argument that the vertical members are substantially flattened, as defined in FIG. 1, the vertical members are arranged in different planes in the collapsed position, which is contrary to Applicant's amended claim 1.

Thus, it is readily apparent that Applicant's inventive concept as recited in Applicant's independent claim 1, as amended, and thus each of the claims which depend therefrom, are not anticipated by Wardwell.

As to amended claim 16, Applicant's inventive concept recited in claim 16 contemplates the rigid segments cooperating to form a collapsed position wherein a first

portion of the rigid segments are arranged in a coplanar relationship to one another and a second portion of the rigid segments are arranged in a substantially parallel relationship to the first portion of rigid segments so that the sidewall and the bottom panel are in a substantially flattened condition.

Wardwell does not teach, disclose, or even suggest arranging a portion of rigid segments in a coplanar relationship to one another so that the sidewall and the bottom panel are in a substantially flattened condition, as recited in Applicant's claim 16. The radially oriented horizontal members are not substantially flattened in the collapsed position. The horizontal members lie in a different plane than that of the vertical members, as shown in FIG. 1 of Wardwell, thus preventing the vertical members from being substantially flattened when collapsed.

Further, the vertical members are arranged in different planes contrary to Applicant's amended claim 16. Thus, it is readily apparent that Applicant's claim 16, as amended, and thus each of the claims which depend therefrom, are not anticipated by Wardwell.

Claims 1, 11, 16, and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,426,916 issued to Schorpp. Contrary to the Examiner's position, it is respectfully submitted that Schorpp does not teach or disclose a collapsible container containing each and every element recited in Applicant's independent claims 1 and 16, as amended, and thus each of the claims which depend therefrom.

Schorpp discloses a collapsible drinking cup having an outwardly flared series of yielding spring wire arms. The arms are secured together beneath the cup so that the

bottom of the cup has a small diameter, as shown in FIG. 2. In the collapsed condition, the arms are confined within a casing and are held substantially parallel to each other by the walls of the casing.

Contrary to the Schorpp reference, Applicant's amended claim 1 recites that the rigid segments cooperate to define a sidewall and form a collapsed position wherein a first portion of the rigid segments are arranged in a coplanar relationship to one another and a second portion of the rigid segments are arranged in a substantially parallel relationship to the first portion of rigid segments so that the sidewall is in a substantially flattened condition.

The series of outwardly flared spring arms in Schorpp are arranged so that the arms are held substantially parallel to each other in the collapsed condition. However, Schorpp does not teach, disclose, or even suggest arranging a first portion of the wire arms in a coplanar relationship to one another when in the collapsed position. The spring arms are arranged in different planes, as shown in FIGS. 4 and 5, which is contrary to Applicant's amended claim 1.

Thus, it is readily apparent that the Applicant's inventive concept as recited in Applicant's independent claim 1, as amended, and thus each of the claims which depend therefrom, are not anticipated by Schorpp.

As to amended claim 16, Applicant's inventive concept recited in claim 16 contemplates the rigid segments cooperating to form a collapsed position wherein a first portion of the rigid segments are arranged in a coplanar relationship to one another and a second portion of the rigid segments are arranged in a substantially parallel relationship

to the first portion of rigid segments so that the sidewall and the bottom panel, which is flexible, are in a substantially flattened condition.

The series of outwardly flared spring arms in Schorpp are arranged to where the arms are held substantially parallel to each other in the collapsed condition. However, Schorpp does not teach, disclose, or even suggest arranging a first portion of the wire arms in a coplanar relationship to one another when in the collapsed position. In fact, the spring arms are arranged in different planes, as shown in FIGS. 4 and 5, contrary to Applicant's amended claim 16.

Further, Schorpp does not teach, disclose, or even suggest the collapsible cup having a flexible bottom panel. The bottom of the cup in Schorpp is made much thicker to receive opposing indentations formed in the lower ends of the wire arms as a means to hold the bottom of the cup in place, thus preventing the bottom of the cup from being in a substantially flattened condition, as recited in Applicant's claim 16.

Thus, it is readily apparent that Applicant's claim 16, as amended, and thus each of the claims which depend therefrom, are not anticipated by Schorpp.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the before mentioned rejections of 35 U.S.C. § 102(b) as applicable to amended claims 1 and 16, and thus each of the claims which depend therefrom now pending in the present application.

**Claim Rejection Under 35 U.S.C. § 103(a)**

Claims 13, 25, 26, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,902,541 issued to Wardwell in view of U.S. Patent No. 4,907,380 issued to Jannin.

As set forth above, it is Applicant's position that Wardwell does not disclose each and every feature of Applicant's independent claims 1 and 16, as amended. Moreover, it is respectfully submitted that Jannin does not supply the deficiencies of the Wardwell reference. Jannin discloses slats overlapping a frame having a detachable end panel. Jannin does not disclose a plurality of rigid segments defining a sidewall and a bottom panel capable of being arranged in a substantially flattened condition. Therefore, it is Applicant's position that claim 13, which depends from claim 1 as amended, and claims 25, 26, and 27, which depend from claim 16, are not rendered obvious within the meaning of 35 U.S.C. § 103(a).

**Other References**

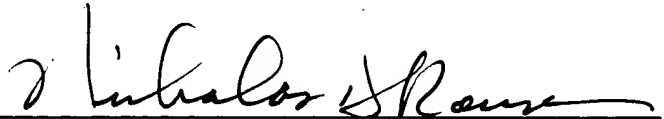
Patents to Robbins, III, Foshee, Johnson, Perkins, McGary, Wojciechowski, and JP 11-206536, cited as other references, have been reviewed and considered. It has been determined that the patents do not teach Applicant's invention of a container with rigid segments.

### Summary

This amendment is intended to be a complete and full response to the Office Action dated September 30, 2002. It is respectfully submitted that pending claims 1-4, 11-14, 16-20, and 23-27 are in condition for allowance for the reasons stated above. Therefore, it is requested that the Examiner reconsider each and every rejection as applicable to pending claims 1-4, 11-14, 16-20, and 23-27 in the application and issue a Notice of Allowance therefor.

Should the Examiner have any questions, the Examiner is requested to contact the Applicant's attorney at the Examiner's convenience to discuss any matters which can be resolved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas D. Rouse", is written over a horizontal line.

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Claims 1 and 16 have been amended as follows:

1. (Amended) A collapsible container, comprising:

a plurality of rigid segments; and

means for connecting the rigid segments such that the rigid segments define a

sidewall and such that the rigid segments are movable between an

expanded position wherein the rigid segments cooperate with one another

to form an object receiving space and a collapsed position wherein [the

**sidewall is substantially flattened] a first portion of the rigid segments**

**are arranged in a coplanar relationship to one another and a second**

**portion of the rigid segments are arranged in a substantially parallel**

**relationship to the first portion of rigid segments so that the sidewall**

**is in a substantially flattened condition.**

16. (Amended) A collapsible container, comprising:

a flexible bottom panel;

a plurality of rigid segments; and

means for connecting the rigid segments to one another and to the flexible bottom

panel such that the rigid segments define a sidewall and such that the rigid

segments and the flexible bottom panel are movable between an expanded



position wherein the rigid segments cooperate with one another and the flexible bottom panel to form an object receiving space and a collapsed position wherein **[the sidewall and the bottom panel are substantially flattened]** a first portion of the rigid segments are arranged in a coplanar relationship to one another and a second portion of the rigid segments are arranged in a substantially parallel relationship to the first portion of rigid segments so that the sidewall and the bottom panel are in a substantially flattened condition.